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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,820	03/15/2004	Gino Bassi	AGZP-114US	1622
24041 7590 07/29/2008 SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406				
EXAMINER VANATTA, AMY B				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,820

Applicant(s)

BASSI, GINO

Examiner

Amy B. Vanatta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) 7-13 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6, 14-20, 23 and 24 is/are rejected.
7) ☒ Claim(s) 21 and 22 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 062404, 062804
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Invention I (claims 1-6, 14-17, and new claims 18-24) in the reply filed on 5/5/08 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 is confusing in that it further limits the cutting step, however claim 14 (from which claim 16 depends) encompasses a method in which there is no cutting step, since the cutting step was recited alternatively. Thus, claim 16 should further limit claim 14 to positively recite that the operation is a cutting step, prior to further limiting this cutting step.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmid (US 3,961,400).

Schmid discloses an apparatus comprising at least one tubular support (drum 2) capable of rotating about at least one axis, wherein the knitted tubular fabric (col. 4, line 38 and col. 5, lines 57-68) is placed on the tubular support (2), to be subjected to at least one operation (drying), as in claim 1. The at least one tubular support 2 has a plurality of holes about its periphery in communication with a suction system (col. 4, lines 16-24), as in claims 2 and 15.

As to claim 14, Schmid discloses a method including steps of putting a knitted tubular portion on a tubular support 2 (see col. 5, lines 57-60), the tubular support being selectively capable of rotating about at least one axis, as claimed. A step of treating the tubular fabric is performed on the tubular support, comprising drawing the fabric on the support (see, e.g. col. 4, lines 63-64 and col. 5, lines 41-43 and 56-60, disclosing that the suction of drum 2 draws the fabric onto the drum surface).

6. Claims 1, 3-5, 14, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Baumann (US 3,864,794).

Baumann discloses an apparatus comprising at least one tubular support (see 5a, 5b and array 3) capable of rotating about at least one axis, wherein the knitted tubular fabric (see, e.g., col. 2, lines 40-41) is placed on the tubular support, to be subjected to at least one operation (cutting), as in claim 1.

Regarding claim 3, the tubular support is associated with at least one means for cutting (50) according to at least one predetermined cutting line, with the means for cutting being capable of moving with respect to the tubular support along at least one direction (col. 2, lines 9-19 and col. 3, lines 11-26). As to applicant's 35 USC 112, sixth paragraph recitation of "means for cutting", the cutter 50 comprises wheel 9, and thus has an equivalent structure which performs in the same manner as that disclosed by applicant.

The at least one axis of rotation is controlled by an electronic controller (col. 3, lines 27-35 and col. 4, lines 4-7), as in claims 4 and 15, which includes optical sensor 32 and motor 25 as in claim 5.

As to claim 14, Baumann discloses a method including steps of putting a knitted tubular portion on a tubular support (array 3), the tubular support being selectively capable of rotating about at least one axis, as claimed. A step of treating the tubular fabric is performed on the tubular support, comprising cutting (col. 3, lines 11-15). The cutting tool (9) is moved in an orthogonal direction as in claim 16 (col. 2, lines 11-13). The cutting tool is a mechanical cutter, as in claim 17.

7. Claims 1-3, 18, 20, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue (US 5,317,887).

Inoue discloses an apparatus comprising at least one tubular support (bobbin B, Fig. 2) capable of rotating about at least one axis such that the textile goods placed on the tubular support are to be subjected to at least one operation. The apparatus further

comprises a carousel (turntable 41) rotatable about a driven axis. The carousel (41) supports the at least one tubular support (B) arranged on the boundary of the carousel (41), wherein the at least one tubular support is carried stepwise by the carousel through corresponding workstations (stations Sb, Sc, Sd, Se); see Fig. 2 and col. 2, line 54 through col. 3, line 59). Inoue discloses the bobbins as being used for supporting yarn and does not disclose the use of the tubular supports for supporting knitted raw tubular portions of textile, however such a limitation in the apparatus claims merely amounts to the intended use of the apparatus. The apparatus of Inoue has the claimed structure, and the tubular supports could be used to support knitted raw tubular textile.

As to claims 2 and 20, at least one tubular support is equipped with a plurality of holes (see holes Bd at each end of bobbin B, these being "peripheral" holes as they are at the periphery of the end regions of the bobbin), which are in communication with a suction system (suction pipe 76) at workstation Se. The suction is in communication with the Interior surface of the tubular support (B) and thus is capable of functioning as claimed, to cause the textile to adhere to the a surface (the interior surface) to the tubular support, to the extent claimed. See Figs. 2-3 and col. 3, lines 27-34.

Regarding claims 3 and 23, at least one of the workstations is a cutting station, arranged to cut the textile, with means for cutting (cutter 43 at station Sb and also see cutter 71). As to applicant's 35 USC 112, sixth paragraph recitation of "means for cutting", the cutter 43 has an equivalent structure which performs in the same manner as that disclosed by applicant. The cutter 43 is capable of moving with respect to the tubular support B as in claims 3 and 24 (Fig. 2 and col. 2, line 67 - col. 3, line 9). The

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tubular support is operatively connected to an actuating means which rotates the tubular support about at least one axis (col. 2, line 65- col. 3, line 2) as in claim 24

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (US 5,317,887).

Inoue discloses an apparatus as claimed, including at least one tubular support (B) which is capable of rotating about at least one axis; see station Sb where the tubular support rotates in direction D and see station Sc where the tubular support rotates in direction E. At workstation Sc, the tubular support is operatively connected to actuating means 44 which causes the tubular support to rotate about at least one axis (col. 3, lines 3-6), as in claim 19. Inoue does not disclose that this rotation is about an "electronically controlled" axis, as in claims 4 and 19, however rotation of textile supports and the rotation axis are conventionally electronically controlled so as to permit automatic adjustments and precise automated control. It would have been obvious to one having ordinary skill in the art at the time the invention was made to rotate the tubular support of Inoue about an electronically controlled axis in order to provide for

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precise automatic control and adjustability of the rotation axis, as is conventional in the art.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baumann (US 3,864,794).

Baumann discloses an apparatus as claimed, including a cutting means 50 comprising wheel 9. Baumann does not disclose that the cutting means is a laser, however lasers are conventionally used for cutting textiles. Schultes discloses an apparatus for cutting fabric, comprising a cutting head which may comprise a circular cutting knife or a laser beam cutting head (col. 6, lines 40-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a laser cutter rather than a cutting wheel in the apparatus of Baumann, since lasers and cutting wheels are well known cutting means in the textile art and are regarded as equivalent means for cutting textiles, as taught by Schultes.

Allowable Subject Matter

11. Claims 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy B. Vanatta whose telephone number is 571-272-4995. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amy B Vanatta/
Primary Examiner
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